



08/01/04  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/829,667	04/22/2004	Arnold Thaler	074104.0121

CONFIRMATION NO. 6830

023640  
BAKER BOTTS, LLP  
910 LOUISIANA  
HOUSTON, TX 77002-4995

**FORMALITIES LETTER**



\*OC000000013097667\*

Date Mailed: 06/29/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$1178 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2078** for a Large Entity

- |   |                   |          |           |
|---|-------------------|----------|-----------|
| • \$770 Statutory basic filing fee.                                   | 08/12/2004 MAHME1 | 00000048 | 10829667  |
| • \$130 Late oath or declaration Surcharge.                           | 01 FC:1001        |          | 770.00 OP |
|   | 02 FC:1051        |          | 130.00 OP |
|   | 03 FC:1201        |          | 602.00 OP |
|   | 04 FC:1202        |          | 576.00 OP |
| • Total additional claim fee(s) for this application is <b>\$1178</b> |                   |          |           |

- \$602 for 7 independent claims over 3.
- \$576 for 32 total claims over 20.

**Items Required To Avoid Processing Delays:**

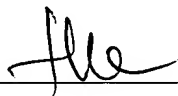
The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the residence (e.g., city and either state or foreign country) of each inventor.
- does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

.....

*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE



CERTIFICATE OF MAILING VIA EXPRESS MAIL

PURSUANT TO 37 C.F.R. § 1.10, I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE," AND IS ADDRESSED TO:

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ON AUGUST 10, 2004

*Paul N. Katz*

PAUL N. KATZ

REG. No. 35,917

08/10/2004

DATE OF MAILING

EV448724494US

EXPRESS MAIL LABEL

U.S.S.N.: 10/829,667

FILING DATE: 04.22.2004

APPLICANT: ARNOLD THALER

GROUP ART UNIT: 3621

EXAMINER: TO BE ASSIGNED

ATTORNEY DOCKET No. 074104.0121

TITLE: "PRODUCT VERIFICATION AND ACTIVATION SYSTEM, METHOD AND APPARATUS"

INCLUDED IN THIS MAILING FOR THE ABOVE-REFERENCED PATENT APPLICATION ARE:

1. RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, MAILED JUNE 29, 2004;
2. A COPY OF THE NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION MAILED JUNE 29, 2004
3. FEE TRANSMITTAL FORM (PTO/SB/17), (WITH DUPLICATE COPY FOR FEE PROCESSING);
4. CHECK #897176 IN THE AMOUNT OF \$2,078.00 FOR BASIC FILING FEE WITH ADDITIONAL CLAIMS, AND LATE OATH OR DECLARATION SURCHARGE;
5. FULLY EXECUTED COMBINED DECLARATION AND POWER OF ATTORNEY BY ASSIGNEE; AND
6. RETURN POSTCARD TO ACKNOWLEDGE RECEIPT OF THESE ITEMS.

ATTORNEY CONTACT:

PAUL N. KATZ

REG. No. 35,917

BAKER BOTTS L.L.P.

TELEPHONE:

713.229.1343

FACSIMILE:

713.229.7743

E-MAIL:

PAUL.KATZ@BAKERBOTTS.COM

PTO CUSTOMER NUMBER LABEL: **023640**



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FROM: (PLEASE PRINT) PHONE 713 229 1234  
Paul N. Katz - 4517  
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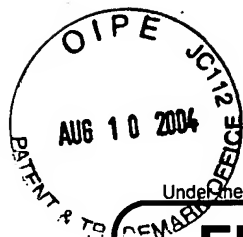


Papers filed herewith on: 8.10.2004  
DOCKET NO.: 074104.0121  
ATTY/SEC.: *Paul N. Katz*  
APPLICANT(S): *Donald Miller*  
USN: 10829,667 FILED: 4.23.2004  
PAT NO.: *N/A*

☐ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ CIP ☐ Provisional  
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV  
☐ Filing Under 37 CFR 1.114(RCE)  
☐ Filing Under 37 CFR 1.53(d) (CPA)  
☐ Specification Consisting of: \_\_\_\_\_ pages  
☐ Declaration  
☐ Power of Attorney  
☐ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings \_\_\_\_\_ Sheets ☐ Formal ☐ Informal ☐ Red-ink  
☐ Priority Document(s) \_\_\_\_\_  
☐ Amendment: ☐ Large Entity ☐ Small Entity  
☐ Response to Notice to File *See: Neg. Patentable 6.29.2004*  
☐ Information Disc. Stmt. PTO-1449(s) \_\_\_\_\_ re(s)  
☐ Notice of Appeal ☐ Appeal Brief  
☐ Issue Fee Transmittal  
FEE: *PTA \$417 M dup. copy + CE # 897176 - \$3,078.00*  
☐ Other: *Copy of Notice to See Neg. Patentable 6.29.04*

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case. COMMISSIONER FOR PATENTS  
Due Date: 08.29.2004  
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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 2,078.00

## Complete if Known

Application Number	10/829,667
Filing Date	April 22, 2004
First Named Inventor	Arnold Thaler
Examiner Name	Unassigned
Art Unit	3621
Attorney Docket No.	074104.0121

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 02-0383

Deposit Account Name Baker Botts L.L.P. 023640

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 770.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	52	-20** =	32	x 18	= 576
Independent Claims	10	-3** =	7	x 86	= 602
Multiple Dependent					

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 1178.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130.00

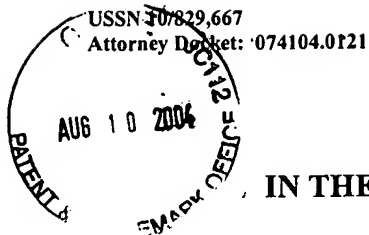
## SUBMITTED BY

Name (Print/Type)	Paul N. Katz	Registration No. (Attorney/Agent)	35,917	Telephone	713.229.1343
Signature	Paul N. Katz	Date	8.10.2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



USSN 10/829,667  
Attorney Docket: 074104.0121

EV448724494US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ARNOLD THALER

Serial No.: 10/829,667

Filed: April 22, 2004

Title: "PRODUCT VERIFICATION AND  
ACTIVATION SYSTEM, METHOD AND  
APPARATUS"

§  
§ Group Art Unit: 3621  
§  
§  
§  
§ Examiner: To be Assigned  
§  
§  
§ Atty. Docket No.: 074104.0121  
§

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Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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37 C.F.R. 1.10

I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT  
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*Paul N. Katz*

PAUL N. KATZ

REG. NO. 35,917

DATE OF MAILING: 08/10/2004  
EXPRESS MAIL LABEL: EV448724494US

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION, MAILED JUNE 29, 2004

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application for the  
application referenced above, mailed June 29, 2004, Applicants respectfully submit herewith those  
items listed below.

As the two month shortened statutory period for reply is due Monday, August 30,  
2004, this Response is considered timely filed.

Enclosed with this Response are:

- ✓ A copy of the Notice to File Missing Parts of Nonprovisional Application mailed June 29, 2004;
- ✓ Fee Transmittal Form (PTO/SB/17), with duplicate copy for fee processing;
- ✓ Check #897176 in the amount of \$2,078.00 for statutory basic filing fee with additional claims, and late oath or declaration surcharge;
- ✓ Fully executed Combined Declaration and Power of Attorney by Assignee; and
- ✓ Return postcard to acknowledge receipt of these items.

Should the Commissioner deem any additional fees are due in association with this filing, including any fees for extensions of time, the Commissioner is hereby requested to accept this as a Petition therefore, and is hereby authorized to debit Baker Botts L.L.P. (*formerly Baker & Botts, L.L.P.*) Deposit Account Number 02-0383, Order Number **074104.0121**, for any underpayment of fees, or to credit same with any overpayment of fees.

Respectfully submitted,

BAKER BOTTS L.L.P. (023640)

BY: Paul N. Katz  
Paul N. Katz  
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Houston, TX 77002-4995  
Telephone: 713.229.1343  
Facsimile: 713.229.7743  
E-Mail: Paul.Katz@bakerbotts.com  
ATTORNEY FOR APPLICANTS

DATE: August 10, 2004